

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-08-732
	§	
HILDA ELISA BENAVIDEZ-VALDEZ	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets the probable cause standard. The defendant was a passenger in a vehicle which had over ten kilograms of cocaine hidden in it. She lied to agents about where she was going, had had earlier advised the driver of the vehicle to tell the same lie to Border Patrol Agents. Earlier at the Port of Entry at Progresso, the defendant was seen in a car following the one involved in this arrest. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant is a resident alien facing deportation if convicted. The circumstances of the

arrest in this case and another in July suggest that the defendant has significant contacts with Mexico. Neither the defendant nor her family has assets sufficient to address risk of flight. The defendant is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 10th day of October, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE